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SEP 22 1998

CONCORD, N.H.

James J. Barry, Commissioner
N. H. Department of Public Welfare
State House Annex
Concord, New Hampshire

Re: Personal Liability for Exceeding Appropriations

Dear Mr. Barry:

You have inquired whether the liability imposed by R.L., c. 22, s. 31, attaches where a line item appropriation is exceeded for reason of a transfer thereto from another line item appropriation made with Governor and Council approval so that the total appropriation of a department is not exceeded. Such a condition does not impose liability as specific authority for such a transfer is given to the Comptroller upon the approval of the Governor and Council by R.L., c. 22, s. 28. This opinion presupposes the fact that there is no specific prohibition against transferring any funds as, for example, funds which must go into the Salary Readjustment Fund and consequently cannot be transferred.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/sml